

DANYELLE KEMPER,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendant.

Currently before the Court is the Commissioner's motion to reverse and remand, pursuant to sentence four of § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), the Commissioner's decision denying Petitioner's application for Supplemental Security Income benefits under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1383f. For the reasons set forth below, the motion shall be granted.

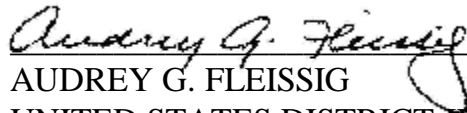
The Commissioner states that agency counsel has asked the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision, and that upon review, the Appeals Council determined that remand was appropriate for further consideration of Plaintiff's claim. The Commissioner asserts that upon remand by the Court, the Appeals Counsel will remand the case to an Administrative Law Judge, who will be directed to obtain vocational expert testimony to determine the impact, if any, Plaintiff's mild mental retardation would have on her occupational base.

Plaintiff's counsel has responded that Plaintiff has no objections to the Commissioner's motion.

Title 42 U.S.C. § 405(g) provides, "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Court finds that the Commissioner has made a sufficient showing of good cause to reverse the Commissioner's decision and to remand this case for further action.

Accordingly,

IT IS HEREBY ORDERED that the Commissioner's motion to reverse and remand the case to the Commissioner be **GRANTED** and that the case be reversed and remanded pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g).



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 20th day of September, 2010.